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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,775	01/06/2000	Christopher N. Elsbree	ICO-004 (4594/11)	2147

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EXAMINER
JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 05/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Acti n Summary	Application N . 09/478,775	Applicant(s) ELSBREE ET AL.	
	Examiner Thomas J Joseph	Art Unit 2174	

-- The MAILING DATE of this c mmunication appears n the cover sh et with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 January 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Revi w (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 4 is objected to because of the following informalities: claim 4 citing, "... wherein the graphical the human-machine interface is adapted... "should read, "... wherein the graphical human-machine interface is adapted...". The Examiner recommends that the Applicant proofread the entire Application to insure that various grammatical problems are corrected. Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hickey (US 5,889,516) and Hetherington (US 6,141,005).

Claim 1:

Hickey (US 5,889,516) teaches running an application on a computer system linked to a portable terminal (col. 3, lines 1 – 10). Hickey discloses a computer with a first operating system. Hickey describes the less capable hand held terminal and the more capable hardwired terminal (fig. 2, #21). The larger memory in the larger computer contains an operating system with more capabilities. The smaller computer is a potable computing device in communication with the larger computer. Hickey teaches

generating on the computer a human-machine interface that is operable on the portable computing device (fig. 2, #25). Hickey teaches an application communicating between a computer and a portable computing device (col. 2, lines 1 – 10).

Hickey fails to teach a true graphical user interface but does teach an interface for accepting human input. Hetherington (US 6,141,005) teaches a GUI for accepting human input that can be used with client computing devices (fig. 3 – 4b). It would have been obvious to one with ordinary skill in the art to combine the graphical interface technology taught by Hetherington with the portable computing system combined with a larger computer. Doing so gives the user greater flexibility in manipulating screen data. The user interface taught by Hetherington uses a variety of computer graphics provides additional icons that give the user greater ability to access more options in a timely manner (fig. 4a – 4b). The scroll bars, arrows, maximize button, etc. are all examples of these icons.

Claim 2:

The user interface (UI) taught by Hetherington uses a variety of computer graphics (fig. 4a – 4b). Therefore, the said UI provides additional icons that give the user greater ability to access more options in a timely manner (fig. 4a – 4b). Hickey teaches generating on the computer a human-machine interface that is operable on the portable computing device (fig. 2, #25). Claim 1 teaches the rationale combining Hetherington and Hickey for providing a step for stimulating on the computer the operation of graphical human-machine interface on a portable computing device.

Claim 3:

Claim 1 teaches the rationale for operating the graphical human-machine interface on a portable computing device. Hickey teaches transmitting between the computer and portable computing device information related to the operation of a human machine interface (col. 2, lines 45 – 57). A rationale for combining Hickey and Hetherington to create a graphical human-machine interface is taught by rejected claim 1.

Claim 4:

Hetherington teaches adapting graphical human-machine interface for controlling at least one process parameter (fig. 5b). Any preference is considered a process parameter. Neither the claim language nor the description provides provide the meaning of "at least one process parameter" cited by the Applicant.

Claim 5:

Hetherington teaches notebook computers with GUI based operating systems linked to a server (col. 5, lines 40 – 55). The windows in these operating systems are the GUI. These notebooks comprise generating a graphical human-machine interface operable on the portable computing device, the graphical human machine interface comprising a processor-independent graphical human-machine interface object and a provided run-time engine specific to a selected processor present on the portable computing device.

Claim 6:

Hetherington teaches notebook computer that uses a Microsoft Windows operating system (col. 5, lines 40 – 55). Hetherington makes reference to using

windows versions consisting of Windows 95 or above. This operating system can include Windows CE.

Claim 7:

Hickey teaches use of a handheld computing device (fig. 1; col. 45 – 57).

Claim 8:

Hickey and Hetherington teach the rationale of claim 8 in rejected claims 1 and 2.

Claim 9:

Hickey and Hetherington teach the rationale of claim 9 in rejected claims 1 and 2.

Claim 10:

Hickey and Hetherington teach the rationale of claim 10 in rejected claim 4.

Claim 11:

Hickey and Hetherington teach the rationale of claim 11 in rejected claim 5.

Claim 12:

Hickey and Hetherington teach the rationale of claim 12 in rejected claim 6.

Claim 13:

Hickey and Hetherington teach the rationale of claim 13 in rejected claim 7.

Claim 14:

Hickey and Hetherington teach the rationale of claim 14 in rejected claim 1 and 2.

Claim 15:

Hetherington teaches operating the graphical human-machine interface on a portable computing device for displaying both graphical information and alphanumeric information (col. 5, lines 40 – 55). Hetherington teaches use of notebook computers

that operate Microsoft Windows. The windows are capable of displaying both graphical information and alphanumeric information. Hetherington provides examples of windows that can be displayed on a notebook computer (fig. 4a – 4b). Alphanumeric information includes the day numbers and month name while the graphical information includes icons such as arrows and maximization buttons.

Claim 16:

Hickey and Hetherington teach the rationale of claim 16 in rejected claim 6.

Claim 17:

Hickey and Hetherington teach the rationale of claim 17 in rejected claim 7.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

2900

tjj
May 10, 2002

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100